FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10026

ADOPTING THE MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949, FOR USE IN THE DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in me by Chapter II of the act of Congress entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920 (41 Stat. 787), as amended by Title II of the act entitled "An act to provide for the common defense by increasing the strength of the armed forces of the United States, including the reserve components thereof, and for other purposes," approved June 24, 1948 (62 Stat. 627), and the act entitled "An act to provide for the administration of military justice within the United States Air Force, and for other purposes," approved June 25, 1948 (62 Stat. 1014), and as President of the United States, it is ordered that the Manual for Courts-Martial, U. S. Army, 1949, prescribed by Executive Order No. 10020 of December 7, 1948, be, and it is hereby, adopted for use in, prescribed for, and made applicable to, the Department of the Air Force for the government of all concerned, in accordance with the provisions of the attached Preface adapting the said manual for use in the Air Force.

The said manual and the provisions of the said Preface shall be in force and effect in the Department of the Air Force on and after February 1, 1949, and shall be applicable, until midnight July 26, 1949, with respect to all court-martial processes taken with respect to Army personnel under the command and authority of the Chief of Staff, United States Air Force: *Provided,* That nothing contained in this manual shall be construed to invalidate any investigation, trial in which arraignment has been had, or other action begun prior to February 1, 1949; and any such investigation, trial, or action so begun may be completed in accordance with the provisions of the Manual for Courts-Martial, 1928: *Provided further,* that nothing contained in this manual shall be construed to make punishable any act done or omitted prior to the effective date of this manual which was not punishable when done or omitted: *And provided further,* that the maximum punishment for an offense committed prior to February 1, 1949, shall not exceed the applicable limit in effect at the time of the commission of such offense.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 4, 1949.

PREFACE

This preface is prescribed for use in conjunction with the Manual for Courts-Martial, U. S. Army, 1949, prepared in the Office of The Judge Advocate General of the Army, when such manual is used by or applied to personnel of the Department of the Air Force and such other personnel as may be under the jurisdiction of the Department of the Air Force. In order to adapt the Articles of War to the personnel of the Department of the Air Force, as provided in the act of June 25, 1948, entitled "An Act to provide for the administration of military justice within the United States Air Force, and for other purposes" (62 Stat. 1014), and in order to adapt the Manual for Courts-Martial, U. S. Army, 1949, for use by the Department of the Air Force, the following definitions, interpretations, adaptations, and additions shall be used to construe the language used in the Articles of War and in the Manual for Courts-Martial, U. S. Army, 1949, and to implement the same when applied to the Air Force.

1. The terms "military service of the United States" and "military service" when used in the Articles of War and in the Manual for Courts-Martial, U. S. Army, 1949, to define persons who may be appointed on courts-martial or tried by courts-martial appointed by commanders within the Air Force of the United States shall be deemed to refer only to Air Force personnel and, until 2400 hours, 26 July 1949, to Army personnel under the command and authority of the Chief of Staff, United States Air Force. As such terms are generally used elsewhere in the Articles of War and in the Manual for Courts-Martial, U. S. Army, 1949, they shall be deemed to include the Air Force unless the contrary clearly appears from the context. When the word "military" is used in such terms as "military commander", "military officer", "military superior", "mili-

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

tary personnel", "military administration", "military discipline", "military duty", it shall be deemed to refer to the Air Force unless the contrary clearly appears from the context.

2. The term "Army", when used to describe a branch of the National Military Establishment, or when used as an adjective, shall be deemed to mean Air Force unless the contrary clearly appears from the context.

3. The term "armies" shall be deemed to mean Air Force of the United States.

4. The following chart sets forth the Army command enumerated in the Articles of War and in the Manual for Courts-Martial and the Air Force command which shall be considered as "the corresponding unit of the Air Forces".

Army	Air Force
(1) Army group.	(1) Air Command.
(2) Army.	(2) Air Force.
(3) Army Corps.	(3) No present comparable unit.
(4) Division.	(4) Air Division.
(5) Brigade.	(5) Wing.
(6) Regiment.	(6) Group.
(7) Battalion.	(7) Squadron.
(8) Company.	(8) Squadron.

5. The phrase "district, garrison, fort, camp, station, or other place where troops are on duty" and the phrase "garrison, fort, camp, or other place where troops are on duty" shall be deemed to include air force bases and air force auxiliary fields. Such terms as "district", "garrison", "fort", "camp", "post", "station", "command", "guard" "quarters", "party", "detachment", "fortification", "encampment" and "premises", whether used individually or collectively, shall be deemed to apply to, consist of, or be upon air force bases and air force auxiliary fields.

6. The terms "Department of the Army" and "Secretary of the Army" or "Secretary of the Department of the Army" shall be deemed to mean Department of the Air Force and Secretary of the Air Force, respectively, except that when the terms "Department of the Army" and "Secretary of the Army" are used with reference to the imprisonment of, or clemency granted to, general prisoners in the United States Disciplinary Barracks, or any of the branches thereof, or in Federal penal institutions, the terms shall, until such time as the authority governing such functions shall be transferred to the Secretary of the Air Force or Department of the Air Force under the National Security Act of 1947 (61 Stat. 496), have their ordinary connotations.

7. The term "Judge Advocate General's Corps" shall be construed to refer to that group of judge advocate officers in the Air Force of the United States constituting a Judge Advocate General's Corps or Department within the Air Force of the United States or designated as Judge Advocates by appropriate orders.

8. The terms "The Judge Advocate General" or "The Judge Advocate General of the Army" and "Assistant Judge Advocate General" or "Assistant Judge Advocates General" shall be construed to refer to The Judge Advocate General and to the Assistant Judge Advocate General or Assistant Judge Advocates General, United States Air Force, respectively.

9. The term "The Adjutant General" shall be construed to refer to the Air Adjutant General, United States Air Force, or those persons in the Air Force of the United States who are charged by law, regulations, or customs of the service with performing any functions similar to those performed by The Adjutant General of the Army; provided, however, that until 2400 hours, 26 July 1949, where a function is still being performed by the Department of the Army for the Department of the Air Force or the United States Air Force under section 207 (f) of

the National Security Act of 1947 (61 Stat. 502), and the performance of that function requires that The Adjutant General of the Army continue as the custodian of the records pertaining to that function, the term "The Adjutant General" shall have its ordinary connotation.

10. As the word "cadet" is used in A. W. 2, 14, and 48 and defined in A. W. 1 as "a cadet of the United States Military Academy", such word has no application in the United States Air Force as presently constituted insofar as the administration of military justice is concerned and will be disregarded.

11. The term "soldier", "enlisted man", or "enlisted personnel" shall be deemed to include airman or airmen, depending on the manner in which the term is used.

12. Where reference is made to Army Regulations or other Army publications, such regulations or publications shall be applicable to the Air Force, provided the Department of the Air Force has adopted such regulations or publications for use therein. Where reference is made to Army Regulations or other Army publications which have been declared, by proper authority, to be inapplicable to the Air Force, the reference shall be deemed to be a reference to any applicable Air Force publication governing the subject.

13. If prior to 2400 hours, 26 July 1949, the expiration of the transfer period prescribed by section 208 (e) of the National Security Act of 1947 (61 Stat. 503), Army personnel under the command and authority of the Chief of Staff, United States Air Force, are designated as members of a court-martial, the record of trial shall include a certificate, signed by the adjutant, assistant adjutant, or other competent authority of the appointing command, indicating that such personnel are under the command and authority of the Chief of Staff, United States Air Force.

14. Members of the Army and members of the Navy are not competent to serve on Air Force courts-martial, provided, however, that within the exception set out in paragraph 13, above, Army personnel under the command and authority of the Chief of Staff, United States Air Force, may serve on Air Force courts-martial until 2400 hours, 26 July 1949.

15. Examples, although not exclusive, of the foregoing definitions, interpretations, adaptations, and additions, when the Manual for Courts-Martial, U. S. Army, 1949, is used by the Air Force of the United States, are set forth below.

TERM USED IN MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949	MEANING WHEN APPLIED TO AIR FORCE OF THE UNITED STATES
Paragraph 4a	
(1) "All officers in the active military service of the United States shall be competent to serve on courts-martial."	(1) All officers of the Air Force of the United States in the active service of the United States shall be competent to serve on courts-martial and officers of the Army of the United States in the active service of the United States who are under the command and authority of the Chief of Staff, United States Air Force, shall be competent to serve on courts-martial until 2400 hours, 26 July 1949. (See par. 13, Preface, requiring certificate in case of Army personnel.)
(2) "For the competency of Marine Corps personnel to serve on courts-martial, when detached for service with the Army by order of the President, see Article 4."	(2) For the competency of Marine Corps personnel to serve on courts-martial when detached for service with the Air Force by order of the President, see Article 4.
(3) "Members of the Navy and of the Air Force are not competent to serve on Army courts-martial."	(3) Members of the Navy and of the Army are not competent to serve on Air Force courts-martial, except that members of the Army under the command and authority of the Chief of Staff, United States Air Force, shall be competent to serve on Air Force courts-martial until 2400 hours, 26 July 1949. (See par. 13, Preface, requiring certificate in case of Army personnel.)
(4) "* * * the term 'military service of the United States' as herein used refers to the Army only."	(4) The term "military service of the United States" as used in the Manual for Courts-Martial shall be deemed to refer to the Air Force.
Paragraph 4c	
(5) "Officers are qualified for detail as law members only if they are Regular Army officers appointed in the Judge Advocate General's Corps, or non-regular officers of any component of the Army of the United States on active Federal duty assigned to the Judge Advocate General's Corps by competent orders, or officers who have been certified by The Judge Advocate General as qualified to act as law members."	(5) Officers are qualified for detail as law members only if they are Regular Air Force officers belonging to that group of judge advocate officers in the United States Air Force constituting a Judge Advocate General's Corps or Department or designated Judge Advocates by appropriate orders, or non-regular officers of any component of the Air Force of the United States on active Federal duty designated as Judge Advocates by appropriate orders or assigned to a Judge Advocate General's Corps or Department within the Air Force of the United States, or officers who have been certified by The Judge Advocate General, United States Air Force, as qualified to act as law members.
Paragraph 5a	
(6) "* * * commanding officers of commands of the Army designated in Article 8 * * *"	(6) commanding officers of air commands, air forces, air divisions and separate wings. (See par. 4, Preface.)
Paragraph 5b	
(7) "The commanding officer of a command of the Army designated in Article 9 * * *"	(7) The commanding officer of a garrison, fort, camp, station, air force base, air force auxiliary field, or other place where airmen are on duty, and the commanding officer of an air command, air force, air division, wing, group, and detached squadron, and the commanding officer of any other detached command or group of detached units placed under a single commander for this purpose. (See pars. 4 and 5, Preface.)
Paragraph 5c	
(8) "The commanding officers of commands of the Army designated in Article 10 may appoint summary courts-martial."	(8) The commanding officer of a garrison, fort, camp, air force base, air force auxiliary field, or other place where airmen are on duty, and the commanding officer of a group, detached squadron, or other detachment may appoint summary courts-martial. (See pars. 4 and 5, Preface.)
Paragraph 20a (1)	
(9) "The term 'commanding officer' shall be construed to refer to an officer commanding a post, camp, or station, or other place where troops are on duty * * *"	(9) The term "commanding officer" shall be construed to refer to an officer commanding a post, camp, station, air force base, or air force auxiliary field or other place where airmen are on duty.
Paragraph 87a	
(10) "Thus, when a separate brigade is merged into a division, the commander of the division becomes the successor in command for the purpose of acting as reviewing authority upon a record of trial by a general court-martial appointed by the brigade commander."	(10) Thus, when a separate wing is merged into an air division, the commander of the air division becomes the successor in command for the purpose of acting as reviewing authority upon a record of trial by a general court-martial appointed by the wing commander.

TERM USED IN MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949—continued	MEANING WHEN APPLIED TO AIR FORCE OF THE UNITED STATES—continued
Paragraph 99	
(11) "* * * from other sources within the Army * * *"	(11) from other sources within the Army or Air Force
Paragraph 102	
(12) "* * * The Judge Advocate General, Department of the Army, Washington 25, D. C. * * *"	(12) The Judge Advocate General, United States Air Force, Department of the Air Force, Washington 25, D. C.
Paragraph 102 (6)	
(13) "* * * Department of the Army orders."	(13) Department of the Air Force orders.
Paragraph 104	
(14) "* * * any officer of the Army, Navy, Marine Corps, or Coast Guard * * *"	(14) any officer of the Army, Navy, Air Force, Marine Corps, or Coast Guard
(15) "* * * any military, naval, or Coast Guard board * * *"	(15) any military, naval, Air Force, or Coast Guard board
(16) "* * * military courts, commission, courts of inquiry, or military boards, or for other use in military administration * * *"	(16) Air Force courts, commissions, courts of inquiry, or boards, or for other use in Air Force administration.
Paragraph 105b	
(17) "* * * commander of an army or similar command * * *"	(17) commander of an air force or similar command
Paragraph 133b	
(18) "* * * Department of the Army or of any department or agency of the United States, * * *"	(18) Department of the Army, Department of the Air Force, or of any department or agency of the United States,
Paragraph 148	
(19) "Proof. * * * (b) that while so in command he discovered that a certain soldier in his command was a deserter from the Army, Air Force, Navy, or Marine Corps, as alleged; * * *"	(19) Proof. (b) that while so in command he discovered that a certain airman in his command was a deserter from the Air Force, or from the Army, or from the Navy, or from the Marine Corps, as alleged;
Paragraph 171	
(20) "* * * military property * * *" "* * * military property * * * furnished and intended for the military service, * * *"	(20) Terms include Air Force property and property furnished and intended for use in the Air Force
Paragraph 172a	
(21) "* * * property was issued for use in the military service, * * *"	(21) Term includes property issued for use in the Air Force.
Paragraph 172b	
(22) "* * * property was issued for use in the military service; * * *"	(22) Term includes property issued for use in the Air Force.
Paragraph 181h	
(23) "Military property" and "property * * * * * * furnished or intended for the military service thereof.'"	(23) Term includes Air Force property and property furnished or intended for use in the Air Force.
Paragraph 181i	
(24) "(a) * * * military property * * *"	(24) Term includes Air Force property.
(25 "(b) * * * a certain soldier, officer, or other person who was a part of or employed in the military service of the United States, * * *"	(25) (b) a certain airman, officer, or other person who was a part of or employed in the Air Force of the United States.

TERM USED IN MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949—continued	MEANING WHEN APPLIED TO AIR FORCE OF THE UNITED STATES—continued
Paragraph 183a	
(26) "* * * military vehicles, * * *"	(26) Term includes vehicles belonging to the United States Air Force.
APPENDIX 4	
Paragraph c	
(27) "These forms apply whether the accused is a member of the Regular Army, or of volunteer forces accepted or mustered into the military service of the United States, or of the National Guard, or of other forces which may have been drafted, called, or ordered into, or to duty or for training in, the military service of the United States."	(27) These forms apply whether the accused is a member of the Regular Air Force, or of volunteer forces accepted or mustered into service with the Air Force of the United States, or of the Air National Guard, or of other forces which may have been drafted, called, or ordered into, or to duty or for training in, the Air Force of the United States. (Appropriate substitutions in the forms will be made.)
(28) "* * * 'detached for service with the armies of the United States by order of the President,' * * *"	(28) detached for service with the Air Force of the United States by order of the President,
(29) "* * * 'a person accompanying the armies of the United States without the territorial jurisdiction of the United States,' * * *"	(29) a person accompanying the Air Force of the United States without the territorial jurisdiction of the United States,
(30) "* * * 'a person serving with the armies of the United States without the territorial jurisdiction of the United States,' * * *"	(30) a person serving with the Air Force of the United States without the territorial jurisdiction of the United States,
(31) "* * * 'a person accompanying the armies of the United States in the field,' * * *"	(31) a person accompanying the Air Force of the United States in the field,
(32) "* * * 'a person serving with the armies of the United States in the field,' * * *"	(32) a person serving with the Air Force of the United States in the field,
APPENDIX 4—FORMS FOR SPECIFICATIONS	
Form 2	
(33) "* * * (through sentence of a (civil) (military) (naval) (court) * * *"	(33) (through sentence of a (civil) (military) (Air Force) (naval) court)
Form 12	
(34) "* * * from the (military service) (naval service) (Marine Corps) * * *"	(34) from the (military service) (Air Force) (naval service) (Marine Corps).
Form 62	
(35) "* * * a (fortification) (post) (quarters) (encampment) of the Armies of the United States * * *"	(35) a (fortification) (post) (quarters) (encampment) (air force base) (air force auxiliary field) of the Air Force of the United States.
Form 63	
(36) "* * * military property belonging to the United States, * * *"	(36) Same form may be used inasmuch as the quoted term includes both Army and Air Force property.
Form 64	
(37) "* * * issued for use in the military service of the United States."	(37) Same form may be used inasmuch as the quoted term includes both Army and Air Force property.
Form 65	
(38) "* * * issued for use in the military service of the United States."	(38) Same form may be used inasmuch as the quoted term includes both Army and Air Force property.

APPENDIX 4—FORMS FOR SPECIFICATIONS—Continued

TERM USED IN MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949—continued	MEANING WHEN APPLIED TO AIR FORCE OF THE UNITED STATES—continued
Form 104	
(39) "* * * (furnished) (intended) (furnished and intended) for the military service thereof, * * *"	(39) Same form may be used inasmuch as the term "for the military service thereof" refers to money or property (furnished) (intended) (furnished and intended) for use in the Army or Air Force.
Form 105	
(40) "* * * receipt of property of the United States (furnished) (intended) (furnished and intended) for the military service thereof, * * *"	(40) Same form may be used inasmuch as the term "for the military service thereof" refers to property of the United States (furnished) (intended) (furnished and intended) for use in the Army or Air Force.
Form 106	
(41) "* * * property of the United States (furnished) (intended) (furnished and intended) for the military service thereof."	(41) Same form may be used inasmuch as the term "for the military service thereof" applies to both Army and Air Force property.
Form 107	
(42) "* * * property of the United States (furnished) (intended) (furnished and intended) for the military service thereof."	(42) Same form may be used inasmuch as the term "property of the United States" (furnished) (intended) (furnished and intended) for the military service thereof" includes both Army and Air Force property.
Form 158	
(43) "* * * of the Army of the United States * * *"	(43) of the Air Force of the United States.
Form 160	
(44) "* * * purporting to be (a) (an) (naval) (military) (official) (pass) (furlough) (discharge certificate) * * *"	(44) purporting to be (a) (an) (naval) (military) (Air Force) (official) (pass) (furlough) (discharge certificate). (NOTE: The words "Air Force" may be substituted for the word "military", but if the word "military" is used, it will be deemed to include "Air Force".)
Form 185	
(45) "* * * violate (paragraph_____, Army Regulations _____, _____ 19____) * * *"	(45) If the Army Regulations involved have been adopted by the Department of the Air Force for use therein, insert proper paragraph, Army Regulations number, and date; otherwise, substitute in the specification the Air Force Regulations or other Air Force publication involved. (See par. 12, Preface.)
Form 186	
(46) "* * * wear upon his (uniform) (civilian clothing) (the insignia of grade of a master sergeant) (the combat infantryman badge) (the Distinguished Service Cross) (the ribbon representing the Silver Star) (the lapel button representing the Legion of Merit) (_____)."	(46) wear upon his (uniform) (civilian clothing) (the insignia of grade of a master sergeant) (the combat infantryman badge) (the Distinguished Service Cross) (the ribbon representing the Silver Star) (the lapel button representing the Legion of Merit) (the badge of a United States Air Force pilot). (NOTE: This form may be used to allege the unauthorized wearing of any badge designating an Air Force rating, decoration, or insignia.)

[F. R. Doc. 49-192; Filed, Jan. 5, 1949; 12:07 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 948—MILK IN SIOUX CITY, IOWA, MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Correction

In Federal Register Doc. No. 48-11474, appearing at page 9490 of the issue for Friday, December 31, 1948, § 934.4 (b) (1) (i) in the first amendatory paragraph should read "§ 948.4 (b) (1) (i)".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 34]

PART 371—GENERAL REGULATIONS

PART 374—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PRESENTATION FOR EXPORT; APPLICABILITY AND GENERAL PROVISIONS

Section 371.7 *Presentation for export* is amended in the following particulars:

1. Paragraph (a) is amended to read as follows:

(a) *Commodities; use of license or other authorization for export shipments*—(1) *Requirements for presentation.* No commodities, the exportation of which is prohibited or curtailed pursuant to section 6 of the act of July 2, 1940, 54 Stat. 714, as amended, shall be loaded or carried onto an exporting carrier for export by water or by air or presented to such an exporting carrier for loading or presented to the collector of customs for inspection and clearance for exportation until a license therefor, or such other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this chapter, has been presented to the collector of customs at the port at which the commodity is to be so loaded, carried or presented. No commodity shall be mailed for exportation until a license or such other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this chapter, has been presented to the postmaster at the post office where the commodity is to be mailed. If the commodity is to be exported by any means of export other than by water, air, or by mail, such license or other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this chapter, need not be presented to the collector of customs prior to loading, carrying onto, or presentation to, the exporting carrier, but must be presented to the collector of customs at the port of exit from the United States prior to inspection by the customs inspectors or other export inspection officials at that port, and at all events prior to exportation. Upon specific authorization to a collector of customs or postmaster by the Department of Commerce, the presentation of a license may be waived.

(2) *Filing of validated license at time of first shipment.* Notwithstanding any other provision of Parts 370 to 399, inclusive of this chapter, all validated licenses, except SP (Special) Licenses, must be presented to and filed with the collector of customs or postmaster, as the case may be, when the first shipment on and after September 24, 1948 is cleared for exportation against that license.

(3) *Subsequent shipments from port where validated license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the collector or postmaster, as the case may be, until complete shipment is made. On any subsequent shipments under that license from the same port duly executed shipper's export declarations shall be presented, as provided in this section and § 371.7a, for clearance of the shipment.

(4) *Clearance of subsequent shipments from other ports.* If part of the licensed shipment is to be made from another port, the licensee shall request the collector holding the license to transmit to the collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment

made pursuant to such approval, duly executed shipper's export declarations shall be presented, as provided in this section and § 371.7a, for clearance of the shipment. In case full or partial shipment is not to be made from such intended port (in accordance with such approval), the licensee or his agent may initiate action for the modification or deletion of the collector's endorsement of such intended shipment. Such action may be initiated in the following manner:

(i) If the license is still in the possession of the collector (whether or not the license would have been "completed" by the intended shipment), the licensee or his agent shall request the collector to whom the approval was sent to notify the collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) If the license has been returned by the collector to the Office of International Trade, an application for license may be submitted to the Office of International Trade covering the quantity not shipped, together with a letter requesting issuance of a new license for such quantity, explaining the facts and identifying the collector to whom the approval was sent.

The procedure set forth in this subparagraph shall not be applicable to licenses which specify that shipment is authorized for clearance only at a particular port of exit.

(5) *Signatures on licenses.* Export license documents, form IT 628, presented to collectors of customs or postmasters must bear on the reverse side thereof the following signatures:

(i) At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(ii) At the top right, on the line reading "Signature of person presenting license", the signature of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the shipper's export declaration accompanying such licenses. This signature may be affixed in the presence of the collector or outside the Customshouse, notwithstanding the instructions on the license.

2. Paragraph (b) is amended to read as follows:

(b) In every case, as provided above in paragraph (a) of this section, where a validated export license is required to be presented to and filed with a collector of customs or postmaster, as the case may be, a duly executed shipper's export declaration (in the number of copies provided in paragraph (c) of this section) shall also be presented at the same time. In the case of shipments made pursuant to general license or pursuant to an unexpired validated export license on file with a collector of customs or postmaster, a duly executed declaration (in the number of copies provided in paragraph (c) of this section) shall be presented to the collector of customs or postmaster, as the case may be, at the same time and in the same manner as provided for in the first sentence of this paragraph.

Section 374.1 *Applicability and general provisions; individual and other types of validated licenses* is amended in the following particulars:

1. By adding to paragraph (d) the following unnumbered paragraph:

If, at the time the application for license is submitted, the intermediate consignee is not known, the applicant may state "unknown" in the space provided on the application for such information. In such cases, however, amendment of the license will be required if the intermediate consignee, when named, is located in a country other than that shown for the producer or ultimate consignee.

2. Paragraph (e) is amended to read as follows:

(e) When an application for license to export Positive List commodities is duly approved by the Department of Commerce, an export license is issued on a separate document, form IT 628 (headed "Export License").[1] When an application for a license to export non-Positive List commodities is duly approved, the application form, IT 419, so approved is issued as a license and the case number assigned by the Department of Commerce becomes the license number. All licenses issued authorize the exportation of the quantity of those commodities described thereon, subject to the provisions of Parts 370 to 399, inclusive, of this chapter, and of the terms and provisions of such license.

This amendment shall become effective as of September 24, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214; 61 Stat. 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: January 3, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-137; Filed, Jan. 6, 1949; 8:51 a. m.]

[1] Copies of the form were filed with the Division of the Federal Register simultaneously with this amendment.

TITLE 17—COMMODITY AND SECURITIES EXCHANGE

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGISTRATION STATEMENTS AND INSPECTION THEREOF, PROSPECTUSES AND DEFINITIONS

The Securities and Exchange Commission has heretofore published proposals with respect to certain amendments to §§ 230.409 and 230.424 (Rules 409 and 424) of its general rules and regulations under the Securities Act of 1933. The Commission has now duly considered all comments and suggestions received in connection with the proposed amendments and is taking action in regard thereto as hereinafter set forth. In addition to the action taken in regard to the proposals referred to above, the Commission is adopting certain other amendments which are either minor in character or serve to relieve restriction.

The Commission finds that the amendments hereinafter specified to said general rules and regulations are necessary or appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Such action is taken pursuant to the provisions of the Securities Act of 1933, particularly section 19 (a) thereof.

1. For the purpose of correcting obsolete references contained in § 230.120 (Rule 120), that section is revised to read as follows:

§ 230.120 *Inspection of registration statements.* Except for material contracts or portions thereof accorded confidential treatment pursuant to § 230.485 (Rule 485), all registration statements are available for public inspection, during business hours, at the principal office of the Commission in Washington, D. C., and registration statements filed with the San Francisco Regional Office of the Commission pursuant to § 230.455 (Rule 455) are available for public inspection, during business hours, at that regional office.

2. For the purpose of correcting the obsolete reference contained in paragraph (b) (3) of § 230.142 (Rule 142), that paragraph is amended to read as follows:

§ 230.142 *Definition of "participates" and "participation," as used in section 2 (11), in relation to certain transactions.* * * *

(b) * * *

(3) The term "principal underwriter" shall have the meaning defined in § 230.405 (Rule 405).

3. For the purpose of correcting the obsolete reference contained in paragraph (a) of § 230.153 (Rule 153), that paragraph is amended to read as follows:

§ 230.153 *Definition of "preceded by a prospectus", as used in section 5 (b) (2), in relation to certain transactions.* * * *

(a) Such exchange shall theretofore have requested of the issuer or, if such request shall not have been complied with, of a "principal underwriter" (as that term is defined in § 230.405 (Rule 405)), from time to time, such number of copies of such prospectus as may have appeared reasonably necessary to comply with the requests of its members and shall have delivered from its supply on hand a copy of any member theretofore making a written request therefor; and

4. Paragraph (c) of § 230.162 has become obsolete and no longer serves any useful purpose. Accordingly, § 230.162 is amended as follows:

a. By deleting from paragraph (a) of the section the words "or (c)".

b. By deleting paragraph (c) of the section.

§ 230.162 *Application of amendments to rules governing contents of prospectuses.* (a) The form and contents of any

prospectus need conform only to the applicable rules in effect at the time the registration statement becomes effective notwithstanding subsequent amendments to such rules, except as otherwise provided in any such amendment or in paragraph (b) of this section.

5. Section 230.405 (Rule 405) defines the term "significant subsidiary" to include a subsidiary whose assets, or the investment in and advances to such subsidiary by the parent and the parent's other subsidiaries, exceed 5 percent of the assets of the parent and its subsidiaries on a consolidated basis. The section also includes as a significant subsidiary any subsidiary whose sales and operating revenues exceed 5 percent of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis. Since the Commission has adopted elsewhere in its rules and regulations tests of significance on a higher percentage basis, it is deemed appropriate to revise the definition of "significant subsidiary" in § 230.405 to accord with the higher tests of significance employed elsewhere in the rules and regulations. Accordingly, the definition of the term "significant subsidiary" in § 230.405 is amended to read as follows:

§ 230.405 *Definitions of terms.* * * *

(t) *Significant subsidiary.* The term "significant subsidiary" means a subsidiary meeting any one of the following conditions:

(1) The assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15 percent of the assets of the parent and its subsidiaries on a consolidated basis.

(2) The sales and operating revenues of the subsidiary exceed 15 percent of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

(3) The subsidiary is a parent of one or more subsidiaries and, together with such subsidiaries would, if considered in the aggregate, constitute a significant subsidiary.

6. Section 230.409 (Rule 409) permits a registrant to omit from the registration statement or prospectus required information which is unknown and not available without unreasonable effort or expense. However, the registrant is required to give such information on the subject as it possesses or can acquire without unreasonable effort or expense and to state the sources thereof. Heretofore, the registrant has been permitted to disclaim responsibility for the accuracy or completeness of the information so given. Since under the act the registrant is liable for the accuracy of all information contained in the registration statement or prospectus, the disclaimer provision in the section has misled some persons into believing that the inclusion of a disclaimer operates to relieve the registrant of such liability. The Commission has determined that the disclaimer provision serves no useful purpose and should be eliminated from the section. Accordingly, paragraph (a) of the section is hereby amended to read as follows:

§ 230.409 *Information unknown or not reasonably available.* * * *

(a) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

7. At the present time copies of preliminary prospectuses distributed, in accordance with § 230.131 (Rule 131), prior to the effective date of the registration statement are not required to be filed with the Commission in the exact form in which they are used. In order that the Commission may in the future have copies of such preliminary prospectuses available for its own use and for inspection by the public, § 230.424 is amended as follows:

a. By redesignating paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e).

b. By inserting a new paragraph (b) as follows:

§ 230.424 *Filing of prospectuses, number of copies.* * * *

(b) Five copies of every proposed form of prospectus sent or given to any person in accordance with § 230.131 shall be filed with, or mailed for filing to, the Commission not later than the date such form of prospectus is first sent or given to any person pursuant to § 230.131. Such copies shall be filed in addition to copies of the proposed form of prospectus filed pursuant to paragraph (a) of this section.

The Commission finds that the action taken in items 1, 2, 3, and 4 above, is mechanical in nature and involves no substantive change in the rules amended, that the action taken in item 5 above relieves restriction and that prior notice of such amendments need not be published pursuant to section 4 (a) of the Administrative Procedure Act.

The foregoing action shall be effective January 17, 1949.

(Sec. 19 (a), 48 Stat. 85; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 31, 1948.

[F. R. Doc. 49-106; Filed, Jan. 6, 1949; 8:47 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission has heretofore published proposals with respect to certain amendments to Form S-1 (§ 239.11) under the Securities Act of 1933. The Commission has now duly considered all comments and suggestions received in connection with the proposed amendments and is taking action in regard thereto as hereinafter set forth.

The Commission finds that the amendments to the following items of Form S-1 are necessary or appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Such action is taken pursuant to the provisions of the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19 (a) thereof.

1. Item 8 calls for information as to the capital securities of the registrant. Where the registrant has subsidiaries which have outstanding securities, such securities ordinarily constitute a claim on the assets of the subsidiaries prior to that of the holders of securities of the registrant. This item has been interpreted as requiring, in the interest of full disclosure, information as to securities of the subsidiaries. In order that all persons using Form S-1 may be advised of this interpretation, Item 8 is amended by adding to the instructions a new instruction reading as follows:

Item 8—Capital securities. * * *

5. Information is to be included as to the securities, other than those owned by the registrant, of all subsidiaries whose financial statements are filed with the registration statement on either a consolidated or individual basis.

2. Item 25 has heretofore called for information as to the total remuneration of directors and officers of the registrant, as a group, whereas Item 26 called for the remuneration of directors and certain officers and other persons on an individual basis. The item is hereby revised as set forth below. The principal purpose of the revision is to consolidate into a single item all requirements of the form as to remuneration of directors and officers for services. The revised item also makes it clear that information is to be given as to pension and retirement payments for the benefit of directors and officers. Whereas the form has heretofore called for the aggregate remuneration of each director or executive officer whose aggregate remuneration exceeded $20,000 or 1 percent of the registrant's total assets, whichever amount was smaller, the revised item requires that the individual remuneration be given only with respect to those directors whose aggregate remuneration exceeded $25,000 during the last fiscal year and the three highest-paid officers whose remuneration exceeded that amount. The revision also makes other minor changes in the previous requirements. The text of the revised item is as follows:

Item 25—Remuneration of directors and officers. (a) Furnish the following information, in substantially the tabular form indicated, as to the aggregate remuneration directly or indirectly paid or set aside by the registrant and its subsidiaries to, or for the benefit of the following persons for services in all capacities while acting as directors or officers of the registrant during its last fiscal year:

(1) Each person who was a director of the registrant at any time during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(2) Each person who was one of the three highest-paid officers of the registrant during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(3) All persons as a group who were directors or officers of the registrant at any time during such fiscal year.

(1) Name of individual or identity of group	(3) Capacities in which remuneration was received	(3) Fees salaries and commissions	(4) Bonuses and shares in profit	(5) Pension, retirement and similar payments

(b) State the annual benefits estimated to be payable in the event of retirement at normal retirement date to each person named in answer to paragraph (a), pursuant to any pension or retirement plan.

(c) Describe all transactions since the beginning of the last fiscal year of the registrant in which any person who was a director or officer of the registrant at any time during such period received remuneration, directly or indirectly, from the registrant or its subsidiaries in the form of securities, options, warrants, rights or other property, or through the exercise or disposition thereof. As to options, warrants or rights granted or extended give (1) the title and amount of securities called for; (2) the prices, expiration dates and other material provisions; (3) the consideration received for the granting thereof; and (4) the market value of the securities called for on the granting or extension date. As to options, warrants or rights exercised, state (1) the title and amount of securities purchased; (2) the purchase price; and (3) the market value of the securities purchased on the date of purchase.

Instructions—Item 25 (a). 1. Include in column (5) any amounts paid, set aside or accrued pursuant to any pension, retirement, savings or other similar plan, including premiums paid for life insurance or retirement annuities.

2. The registrant may state, with respect to any person specified, the total remuneration paid to a partnership in which such person was a partner in lieu of an allocation of such person's share in the total remuneration so paid, if by note or otherwise, it is indicated that such has been done. The total amount of such remuneration shall be included in determining whether the aggregate remuneration of such person exceeded $25,000.

3. If it is presently contemplated that the aggregate remuneration of any named person for the current fiscal year will exceed by more than 10 percent the amount of his remuneration for the last fiscal year, state also the estimated remuneration of such person for the current fiscal year. To the extent that remuneration for the current fiscal year is to be computed upon the basis of a percentage of profits, it will suffice to state such percentage without estimating the amount of such profits to be paid.

4. If the registrant has not completed a full fiscal year since its organization or if it acquired the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of profits, it will suffice to state such percentage without estimating the amount of such profits to be paid.

Item 25 (b). Except as to persons whose retirement benefits have already vested, the information called for by this subitem may be given in a table showing the annual benefits payable to persons in specified salary classifications.

Item 25 (c). This subitem does not apply to warrants or rights issued to security holders, as such, on a pro rata basis.

3. As stated above, Item 26 has heretofore required information as to the individual remuneration of directors and certain officers and other persons. The item is hereby revised as set forth below. The principal change involved in the revision is to transfer to Item 25 the requirements with respect to directors and officers.

Item 26—Remuneration of certain other persons. State in tabular form the name of each of the following persons whose aggregate remuneration from the registrant and its subsidiaries for services during the last fiscal year of the registrant exceeded $25,000, the amount of such remuneration, and the capacities in which it was received.

(a) Each affiliate of the registrant (other than its majority-owned subsidiaries);

(b) Each voting trustee named in answer to Item 29;

(c) Each security holder named in answer to Item 30 (a); and

(d) Each person (other than the registrant or its majority-owned subsidiaries) with whom any person named in answer to Item 25 (a), 29 or 30 (a) had a material relationship.

Instructions. 1. Instructions 2 and 4 to Item 25 (a) shall also apply to this item.

2. Include as to each person named a statement as to the nature of the relationship by reason of which the remuneration of such person is required to be given.

4. Item 27 has heretofore called for information as to bonus and profit-sharing arrangements but has not expressly called for information as to pension and retirement plans. The item is amended to read as set forth below so as to make it clear that information is to be given as to pension and retirement plans as well as bonus and profit-sharing plans.

Item 27—Bonus, profit-sharing, pension and retirement plans. (a) Describe briefly every material bonus or profit-sharing plan provided by the registrant or its subsidiaries for directors, officers or employees. Identify each class of persons who participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation. State for the last fiscal year the total amount paid or set aside by the registrant and its subsidiaries pursuant to each such plan.

(b) Briefly describe every material pension, retirement, savings or similar plan for the benefit of directors, officers or employees which is provided or sponsored by the registrant or its subsidiaries or to which the registrant or its subsidiaries contribute. Identify each class of persons who participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation. State for the last fiscal year the annual payments made by the registrant and its subsidiaries pursuant to each such plan with respect to (1) past services and (2) future services.

5. Item 30 has heretofore called for information as to the principal holders of equity securities of the registrant. The item is amended to read as set forth below, for the purpose of simplifying the requirements with respect to the tabular presentation of the information called for.

Item 30—Principal holders of equity securities. Furnish the following information, in substantially the tabular form indicated, as to all equity securities of the registrant owned by the following persons as of a specified date within 90 days prior to the date of filing:

(a) Each person who owns of record, or is known by the registrant to own beneficially, more than 10 percent of any class of such securities.

(b) All directors and officers of the registrant, as a group, without naming them.

(1) Name and address	(2) Title of class	(3) Type of ownership	(4) Amount owned	(5) Percent of class

Instructions. 1. Indicate in the third column whether the securities are owned both of record and beneficially, of record only, or beneficially only, and show separately in the fourth and fifth columns the respective amounts and percentages owned in each such manner.

2. The percentages are to be calculated on the basis of the amount of outstanding securities of the class. In any case where the amount owned by directors and officers is less than 1 percent of the class, the percent of the class owned by directors and officers may be omitted.

3. If the securities are being registered in connection with, or pursuant to, a plan of acquisition, reorganization, readjustment, or succession, the information shall also be given, so far as practicable, as of the status to exist upon consummation of the plan on the basis of present holdings and commitments.

6. Item 32 has heretofore called for information as to the interest of affiliates and certain other persons in property recently acquired by the registrant and its subsidiaries. The item is amended to read as set forth below so that it will call for information as to the interest of such person in any material transactions whether or not such transactions involve the acquisition of property.

Item 32—Interest of management and others in recent transactions. Describe briefly any material interest, direct or indirect, of any person named in answer to Item 23, 29 or 30 (a) or any affiliate of the registrant (other than its majority-owned subsidiaries) in any material transactions during the last three years, or in any material proposed transactions, to which the registrant or any subsidiary and any one or more of such persons were or are to be parties. If any such transaction involved or is to involve the purchase or sale of property by or to the registrant or any subsidiary, otherwise than in the ordinary course of business, state the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

Instructions. 1. This item does not apply to any interest arising solely by reason of a person's being a principal underwriter of securities of the registrant or its subsidiaries or a director or officer of the registrant or a voting trustee or other holder of securities of the registrant. However, for the purposes of this item no acquisition of property, directly or indirectly from a director or officer, shall be deemed made in the ordinary course of business if made upon a basis or at a price materially less favorable than the registrant could acquire similar property from other sources.

2. Information need not be given with respect to the redemption of an entire class of securities of the registrant substantially all of which was or is outstanding in the hands of the general public; a pro rata redemption in part or a redemption by lot under accepted disinterested practice, of any such securities; exchanges of such securities for other securities of the registrant pursuant to an offer made to all holders of the class of securities acquired in exchange; the exercise of conversion rights; or as to the purchase of securities pursuant to an invitation for tenders extended to all holders of the class.

3. Identify any property acquired or to be acquired in consideration of the securities being registered or the proceeds therefrom.

The foregoing action shall become effective January 17, 1949.

(Secs. 6, 7, 48 Stat. 78, secs. 8, 10, 19 (a), 48 Stat. 79, 81, 85; 15 U. S. C. 77f, 77g, 77h, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 31, 1948.

[F. R. Doc. 49-107; Filed, Jan. 6, 1949; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 60]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

The following shall be added immediately after the end of § 825.5 (a) (16):

(17) *Net operating income lower than estimated by Federal Housing Administration*—(a) *Grounds.* The following facts are shown:

(i) The housing accommodations were newly constructed, and were first rented after the maximum rent date;

(ii) The rent was approved by the Federal Housing Administration on the basis of a fixed return on an estimated replacement cost;

(iii) The maximum rent was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended;

(iv) The average annual net operating income for the project for the period of its existence is lower than the annual net operating income estimated by the Federal Housing Administration in its project analysis at the time of its approval; and

(v) The petition for adjustment is accompanied by a copy of the project analysis of the Federal Housing Administration, certified by that agency to be a true copy.

(b) *Amount of adjustment.* (i) The adjustment under this § 825.5 (a) (17) shall be in an amount representing the difference between the average annual net operating income for the project for the period of its existence and the annual net operating income estimated in the project analysis.

(ii) The Expediter shall appropriately apportion the total amount of the adjustment among all the units in the project taking into consideration any leases made as described in section 204 (b) (2) or section 204 (b) (3) of the Housing and Rent Act of 1947, as amended.

(c) *Definitions.* For purposes of this § 825.5 (a) (17), the term:

(i) "Annual net operating income" means the difference between the actual income and the operating expenses and taxes as defined in § 825.5 (a) (17) (c) (ii).

(ii) "Operating expenses and taxes" means those items of operating expenses and taxes which were listed in the project analysis prepared by the Federal Housing Administration in approving the rents. The Housing Expediter may make appropriate adjustment for increases in operating expenses which were avoidable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies Sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective January 7, 1949.

Issued this 4th day of January 1949.

ED DUPREE, *Acting Housing Expediter.*

[F. R. Doc. 49-141; Filed, Jan. 6, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg., New York City Defense-Rental Area,[1] Amdt. 9]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for the New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respect:

The following shall be added immediately after the end of § 825.25 (a) (16):

(17) *Net operating income lower than estimated by Federal Housing Administration*—(a) *Grounds.* The following facts are shown:

(i) The housing accommodations were newly constructed, and were first rented after the maximum rent date;

(ii) The rent was approved by the Federal Housing Administration on the basis of a fixed return on an estimated replacement cost;

(iii) The maximum rent was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended;

(iv) The average annual net operating income for the project for the period of its existence is lower than the annual net operating income estimated by the Federal Housing Administration in its project analysis at the time of its approval; and

(v) The petition for adjustment is accompanied by a copy of the project analysis of the Federal Housing Administration, certified by that agency to be a true copy.

(b) *Amount of adjustment.* (i) The adjustment under this § 825.25 (a) (17) shall be in an amount representing the difference between the average annual net operating income for the project for the period of its existence and the annual net operating income estimated in the project analysis.

(ii) The Expediter shall appropriately apportion the total amount of the adjustment among all the units in the project taking into consideration any leases made as described in section 204 (b) (2) or section 204 (b) (3) of the Housing and Rent Act of 1947, as amended.

(c) *Definitions.* For purposes of this § 825.25 (a) (17), the term:

(i) "Annual net operating income" means the difference between the actual income and the operating expenses and taxes as defined in § 825.25 (a) (17) (c) (ii).

(ii) "Operating expenses and taxes" means those items of operating expenses and taxes which were listed in the project analysis prepared by the Federal Housing Administration in approving the rents. The Housing Expediter may make appropriate adjustment for increases in operating expenses which were avoidable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective January 7, 1949.

Issued this 4th day of January 1949.

ED DUPREE, *Acting Housing Expediter.*

[F. R. Doc. 49-133; Filed, Jan. 6, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[2] Amdt. 11]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

The following shall be added immediately after the end of § 825.45 (a) (16):

(17) *Net operating income lower than estimated by Federal Housing Administration*—(a) *Grounds.* The following facts are shown:

(i) The housing accommodations were newly constructed, and were first rented after the maximum rent date;

(ii) The rent was approved by the Federal Housing Administration on the basis of a fixed return on an estimated replacement cost;

(iii) The maximum rent was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended;

(iv) The average annual net operating income for the project for the period of its existence is lower than the annual net operating income estimated by the Federal Housing Administration in its proj-

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386.

[1] 13 F. R. 5727, 6388.

[2] 13 F. R. 5735, 6246, 6389.

ect analysis at the time of its approval; and

(v) The petition for adjustment is accompanied by a copy of the project analysis of the Federal Housing Administration, certified by that agency to be a true copy.

(b) *Amount of adjustment.* (i) The adjustment under this § 825.45 (a) (17) shall be in an amount representing the difference between the average annual net operating income for the project for the period of its existence and the annual net operating income estimated in the project analysis.

(ii) The Expediter shall appropriately apportion the total amount of the adjustment among all the units in the project taking into consideration any leases made as described in section 204 (b) (2) or section 204 (b) (3) of the Housing and Rent Act of 1947, as amended.

(c) *Definitions.* For purposes of this § 825.45 (a) (17), the term:

(i) "Annual net operating income" means the difference between the actual income and the operating expenses and taxes as defined in § 825.45 (a) (17) (c) (ii).

(ii) "Operating expenses and taxes" means those items of operating expenses and taxes which were listed in the project analysis prepared by the Federal Housing Administration in approving the rents. The Housing Expediter may make appropriate adjustment for increases in operating expenses which were avoidable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective January 7, 1949.

Issued this 4th day of January 1949.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 49-142; Filed, Jan. 5, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area,[1] Amdt. 9]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§§ 825.61 to 825.72) is amended in the following respect:

The following shall be added immediately after the end of § 825.65 (a) (16):

(17) *Net operating income lower than estimated by Federal Housing Administration—(a) Grounds.* The following facts are shown:

(i) The housing accommodations were newly constructed, and were first rented after the maximum rent date;

(ii) The rent was approved by the Federal Housing Administration on the basis of a fixed return on an estimated replacement cost;

(iii) The maximum rent was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended;

(iv) The average annual net operating income for the project for the period of its existence is lower than the annual net operating income estimated by the Federal Housing Administration in its project analysis at the time of its approval; and

(v) The petition for adjustment is accompanied by a copy of the project analysis of the Federal Housing Administration, certified by that agency to be a true copy.

(b) *Amount of adjustment.* (i) The adjustment under this § 825.65 (a) (17) shall be in an amount representing the difference between the average annual net operating income for the project for the period of its existence and the annual net operating income estimated in the project analysis.

(ii) The Expediter shall appropriately apportion the total amount of the adjustment among all the units in the project taking into consideration any leases made as described in section 204 (b) (2) or section 204 (b) (3) of the Housing and Rent Act of 1947, as amended.

(c) *Definitions.* For purposes of this § 825.65 (a) (17), the term:

(i) "Annual net operating income" means the difference between the actual income and the operating expenses and taxes as defined in § 825.65 (a) (17) (c) (ii).

(ii) "Operating expenses and taxes" means those items of operating expenses and taxes which were listed in the project analysis prepared by the Federal Housing Administration in approving the rents. The Housing Expediter may make appropriate adjustment for increases in operating expenses which were avoidable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective January 7, 1949.

Issued this 4th day of January 1949.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 49-140; Filed, Jan. 6, 1949; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary prescribed reasonable rates and charges for the respondent by an order dated May 9, 1946 (5 A. D. 338 and an order of June 26, 1946 (5 A. D. 449). These rates and charges have been modified in certain respects on a temporary basis by supplemental orders entered from time to time. The temporary rates and charges now in effect are due to expire on June 30, 1949.

By petition filed on December 30, 1948, the respondent has requested a modification of its yardage rates and charges until June 30, 1949, as follows:

Yardage charge	Present rate per head	Proposed new rate per head
A. Livestock sold or resold in the Commission Division: [1]		
Cattle	$0.65	$0.70
Calves	.40	.43
Hogs	.23	.25
Sheep and goats	.15	.16
B. Livestock received directly by packers through the yards: [1]		
Cattle	.33	.35
Calves	.20	.22
Hogs	.12	.13
Sheep and goats	.08	.08
C. Livestock resold at the yards for local delivery other than livestock resold in the Commission Division: [1]		
Cattle	.16	.18
Calves	.10	.12
Hogs	.05	.06
Sheep and goats	.03	.04
D. Livestock resold at the yards for shipment off the market other than livestock resold in the Commission Division: [1]		
Cattle	.07	.08
Calves	.04	.05
Hogs	.02	.03
Sheep and goats	.02	.03

[1] No changes proposed in rates for bulls weighing 800 lbs. or over.
[2] No change.

[1] 13 F. R. 5743, 8390.

If granted, authorization to assess the proposed charges will produce additional revenues for the respondent and increase marketing costs to shippers. Accordingly, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. All interested persons who desire to be heard upon the matters requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 3d day of January 1949.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-156; Filed, Jan. 6, 1949; 8:54 a. m.]

[7 CFR, Part 927]

[Docket No. AO 71–A 16–RO–1]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a hearing to be held at the Mark Twain Hotel, Elmira, New York, beginning at 10:00 a. m., e. s. t., January 24, 1949. Such hearing is for the purpose of receiving further evidence with respect to those proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, which are set forth as proposals numbered 11 to 27 inclusive, 30 to 50 inclusive, and 57 to 63 inclusive in the notice of hearing issued on September 2, 1948 (13 F. R. 5242) and considered at the hearing held at New York City and at Utica, New York, during the period September 27 to October 7, 1948, inclusive, which hearing is hereby reopened to the extent indicated, and for the further purpose of receiving evidence with respect to additional proposals, hereinafter set forth, to the said marketing agreement and order. These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments, in addition to those on which the September 27–October 7 hearing is reopened, with respect to which evidence will be received are as follows:

65. (Proposed by a group [1] of New England cooperative associations):

Amend §§ 927.5 (a) (4) and 927.4 (c) (3) to provide that the price for Class I–C milk which is shipped to or distributed in New England markets shall be the price for Class I–A milk.

66. (Same proponents as No. 65):

Amend § 927.5 (b) to provide that the butterfat differential applicable to Class I–B and I–C milk shall be the same as the butterfat differential applicable to Class II–E milk.

67. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.):

Amend § 927.5 (c) (1) by adding the following proviso: "*Provided*, That nothing contained herein shall alter the freight zone of any pool plant previously determined and announced by the market administrator."

68. (This proposal and all of those following it are made by the Production and Marketing Administration.): Delete § 927.1 (l) and (m).

69. Delete § 927.2 (e) and transfer similar provisions to § 927.5 and § 927.7 (Proposals 79 and 84).

70. Amend § 927.3 (a) (4) (iv) (b) by changing the last sentence thereof to read: "In addition, such specified classes may include all or a part of Class II and other I–C."

71. Amend § 927.4 (a) to read:

(a) *Basis of classification.* All milk the classification of which is necessary to establish the classification of milk received from producers, and all milk entering the marketing area as milk, cultured or flavored milk drinks, cream, or skim milk, shall be classified in accordance with the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the following conditions:

(1) *Burden of proof.* In establishing the classification of milk received from producers, the burden rests upon the handler who received such milk from producers to show that such milk should not be classified as Class I–A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives or distributes in the marketing area milk, skim milk, cultured or flavored milk drinks, or cream, to establish the source of all his milk or milk products.

(2) *Period for establishing classification.* A period ending with the last day of the month following the month during which milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I–A: *Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to paragraph (c) (5) (ii) of this section that is required to be performed during the month following its receipt from dairy farmers.

(3) *Plant at which classification is to be determined.* Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided*, That if such milk is shipped in the form of milk or cream to another plant or other plants, it shall be classified, subject to the provisions of subdivisions (i) through (v) of this subparagraph, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in subdivisions (i) through (v) of this subparagraph.

(i) The classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the plant from which such milk is shipped to the plant in the marketing area.

(ii) Except as set forth in subdivision (iii) of this subparagraph, the classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined at the plant from which such cream is shipped to the plant in the marketing area.

(iii) The classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined, if such cream is moved in the form of frozen desserts or homogenized mixtures either from the plant at which cream is first received in the marketing area or from the first plant to which cream is shipped from the plant where first received in the marketing area, at the first plant from which the frozen desserts or homogenized mixtures are so moved.

(iv) Except as set forth in subdivision (v) of this subparagraph, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream to a non-pool plant shall be determined at the non-pool plant, unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects to have classification of all milk received during the month at such handler's pool plant and shipped as milk or cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant.

(v) The classification of milk shipped more than 65 miles from the plant where received from dairy farmers, to a plant outside New York State, Vermont, New Jersey, or Pennsylvania, or to a plant in the county of Allegheny, Beaver, Fayette, Greene, Washington or Westmoreland in Pennsylvania shall be determined at the plant where received from dairy farmers.

(4) *Plant loss.* Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant loss may be classified the same as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to paragraph (b) of this section.

(5) *Accounting procedure.* The accounting procedure for classifying milk pursuant to this section, including the conversion factors to be used in the absence of specific weights and tests, and the specific definitions of products included in each class, shall be set up by the market administrator pursuant to paragraph (b) of this section. Such accounting procedure shall be in accordance with the following general principles:

(i) Milk, cream, and skim milk received from pool plants or from producers shall be assigned, as far as possible, to Class I–A, Class II, or to skim milk subject to the fluid skim differential, unless such classification or fluid skim differential is based on some product leaving or on hand at the plant in some form other than milk, cream, or skim milk or other than cultured or flavored milk drinks shipped or distributed in the marketing area.

(ii) If milk, cream, or skim milk is received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool

[1] Bellows Falls Cooperative Creamery, Inc.; Bethel Cooperative Creamery, Inc.; Cabot Farmers' Cooperative Creamery Company, Inc., Connecticut Milk Producers Association; Connecticut Valley Dairy, Inc.; Grand Isle County Cooperative Creamery Association, Inc.; Granite City Cooperative Creamery Association, Inc.; Maine Dairymen's Association, Inc.; Milton Cooperative Dairy Corporation; Mt. Mansfield Cooperative Creamery and Grain Association, Inc.; New England Milk Producers' Association; Northern Farms Cooperative, Inc.; Richmond Cooperative Association, Inc.; St. Albans Co-operative Creamery, Inc.; Shelburne Co-operative Creamery Company; Tunbridge Co-operative Creamery, Inc., United Farmers of New England, Inc.

plants, the total milk equivalent of such products from producers and pool plants, and the total milk or milk equivalent from dairy farmers not producers and non-pool plants shall be assigned pro rata to the total classification of all such milk or milk equivalent and to all skim milk subject to the fluid skim differential after the assignment in accordance with subdivision (i) of this subparagraph.

(iii) The milk received from producers which is eliminated from the computation of the handler's net pool obligation pursuant to § 927.7 shall be assigned pro rata to the total classification of all milk from producers and pool plants.

72. Amend § 927.4 (c) to read:

(c) *Classes of utilization.* Subject to all of the conditions set forth in paragraphs (a) and (b) of this section, milk shall be classified at the plant at which classification is to be determined as follows:

(1) Class I–A milk shall be all milk, except as provided in subparagraphs (2) and (3) of this paragraph, which leaves the plant as milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this paragraph.

(2) Class I–B milk shall be all milk which leaves the plant as milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in an area regulated by another order of the Secretary and remains outside the marketing area.

(3) Class I–C milk shall be all milk which leaves the plant as milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in an area not regulated by another order of the Secretary and remains outside the marketing area.

(4) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, unless such cream or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this paragraph.

(5) Class III milk shall be all milk which meets the conditions set forth in any one of the following subdivisions:

(i) All milk the butterfat from which leaves or is on hand at the plant in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 per cent of butterfat or in the form of cream, which cream or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the marketing area and remains outside the marketing area.

(ii) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another: *Provided,* That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk pursuant to this subdivision shall be liable under the provisions of § 927.9 (e) for the difference between the Class II and Class III prices for the month in which the Class III classification was claimed on any such milk, if the storage of cream does not comply with all the requirements of this subdivision.

(iii) All milk the butterfat from which leaves or is on hand at the plant in the form of some product the classification of which is not established in some other class named in this paragraph.

73. Delete the second paragraph from that portion of § 927.5 which precedes paragraph (a).

74. Remember § 927.5 (a) (3) and (4) as § 927.5 (a) (2) and (3), respectively.

75. Delete § 927.5 (a) (5) through (15) and substitute therefor the following:

(4) For Class II milk the price during each month shall be the sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) (Amount shown in the table in the present II–A price provision).

(ii) From the average of all the hot roller process nonfat dry milk solids quotations for "other brands, human consumption, carlots, bags or barrels" (using the midpoint of any range as one quotation), published for the delivery period in "The Producers' Price—Current," subtract 5 cents and multiply by 7.5.

(5) Except as set forth in paragraph (b) of this section, the price for Class III milk during each month shall be the highest of the amounts computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Divide the amount computed pursuant to paragraph (g) (2) (vii) of this section by 33.48, multiply by 3.5, subtract 27 cents, and add an amount computed pursuant to subparagraph (4) (ii) of this paragraph.

(ii) To the average, computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during such month to farmers at evaporated milk plants at locations listed in this subdivision, add 8 cents during each of the months of January, February, August, September, and October, and add 15 cents during each of the months of November and December (same list of plants as in present Class III price).

(iii) To the average of highest prices reported daily during such month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the Chicago market, add 20 percent, add 5 cents, multiply by 3.5, and add an amount computed pursuant to subparagraph (4) (ii) of this paragraph.

76. Amend § 927.5 (b) to read:

(b) *Butter and cheese differential.* The minimum price set forth in paragraph (a) (5) of this section for milk which meets the requirements of subparagraph (1) of this paragraph shall be reduced by an amount computed pursuant to subparagraph (2) of this paragraph in any month in which this differential is in effect pursuant to subparagraph (3) of this paragraph.

(1) *Requirements.* The butter and cheese differential shall apply to all milk which meets the following requirements:

(i) The milk is classified pursuant to § 927.4 (c) (5) as Class III.

(ii) The butterfat in the milk leaves or is on hand at the plant at which classification is determined in the form of butter or cheese (Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar).

(iii) The handler receiving the milk from producers has notified the market administrator prior to utilization of the milk that he has milk, and the approximate daily volume of such milk, which he expects to manufacture into butter or cheese (Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar).

(iv) The milk so manufactured is milk for which the handler has rejected no offer which, as a minimum, provides for (*a*) payment in cash f. o. b. the selling handler's plant at the Class III price plus 20 cents per hundred-weight, and (*b*) assurance that, for milk classified other than as Class III, additional payment will be made in the amount of not less than the difference between the Class III price and the price for the class in which the milk is classified.

(2) *Computation of the differential.* The amount by which the Class III price shall be reduced each month for milk which meets the requirements set forth in subparagraph (1) of this paragraph shall be computed by the market administrator as follows: from the price computed pursuant to paragraph (a) (5) of this section, deduct the higher of the amounts computed by the market administrator as follows:

(i) From the average of the highest prices reported daily during such month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, multiply by 3.5, and add an amount computed pursuant to paragraph (a) (4) (ii) of this section.

(ii) From the average of weekly quotations at the Wisconsin Cheese Exchange, Plymouth Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars the weekly quotations at the Wisconsin Cheese Exchange for Twins, subtract 1.5 cents (net figure representing making allowance in excess of whey fat, whey, transportation, and prafin allowances), and multiply the result by 9.

(3) *Effective period of butter and cheese differential.* The differential shall be made effective under conditions and for periods of time as follows:

(i) A meeting has been held, no sooner than 3 days after notice by the market administrator to all handlers operating

reserve pool plants, for consideration of making effective the butter and cheese differential. If any handler operating a reserve pool plant makes written request for consideration of making effective the butter and cheese adjustment, the market administrator shall, within 30 days, either issue notice of a meeting for consideration of the request or deny such request and, except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(ii) There has been issued by the market administrator following such meeting, and mailed to all handlers operating reserve pool plants, the market administrator's determination that the butter and cheese differential will be in effect in certain months specified in such determination. Such months may include any month after the month during which the determination is issued and which is not later than the second month after the month during which a meeting pursuant to subdivision (i) of this subparagraph is held: *Provided,* That following a meeting held during the month of March, the market administrator may determine that the butter and cheese differential will be in effect in any or all of the immediately following months of April through July.

(iii) The market administrator may revoke for any month any previous determination issued by him pursuant to subdivision (ii) of this subparagraph if a meeting has been held, no sooner than 3 days after notice of the market administrator to all handlers operating reserve pool plants, for consideration of such revocation, and if, following such meeting, there has been mailed, prior to the first day of the month during which such revocation will be effective, to all handlers operating reserve pool plants, the market administrator's determination that his previous determination shall be revoked for such month.

77. Amend § 927.5 (c) to read:

(c) *Butterfat differentials.* The minimum price for Class I–A, Class I–B, and Class I–C milk shall be plus or minus 4 cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the Class II and Class III prices an amount computed pursuant to paragraph (a) (4) (ii) of this section, and divide by 35: *Provided,* That for Class III milk subject to the butter and cheese differential the price shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: From the Class III price subtract an amount computed pursuant to paragraph (a) (4) (ii) of this section, subtract an amount computed pursuant to paragraph (b) of this section, and divide by 35.

78. Renumber § 927.5 (c) as § 927.5 (d), delete subparagraphs (2) and (3) thereof, and amend the headings in Columns B and C of the table in subparagraph (1) to read: "Classes I–A, I–B and I–C and skim milk subject to the fluid skim differential" and "Classes II and III", respectively.

79. Add to § 927.5 paragraphs (e) (f), and (g) as follows:

(e) *Fluid skim differential.* All skim milk which enters the marketing area in the form of fluid skim milk or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, and all skim milk which is not accounted for in some product leaving or on hand at a plant shall be subject to a fluid skim differential per hundredweight computed by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Deduct the amount computed pursuant to paragraph (a) (4) (i) of this section (same as present Class II–A price) from the price for Class I–A milk set forth in paragraph (a) (1) of this section and divide by .9125;

(2) Divide the amount computed pursuant to paragraph (a) (4) (ii) of this section by .9125 and deduct the result from the result obtained in subparagraph (1) of this paragraph.

(f) *Use of equivalent prices.* If for any reason a price (or prices) for milk or any milk product specified in this section for use in computing and announcing class prices and for other purposes is not reported or published in the manner therein described, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(g) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 25th day of each month:

(i) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(ii) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price—Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(iii) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month, of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price—Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, animal feed, carlots, bags, or barrels."

(iv) The simple average of the averages computed pursuant to subdivisions (ii) and (iii) of this subparagraph.

(v) The preliminary Class I–A price for the following month pursuant to paragraph (a) (1) of this section.

(vi) The preliminary calculation for the following month pursuant to paragraph (a) (4) (i) of this section (same as present Class II–A price).

(vii) The preliminary calculation for the following month pursuant to paragraph (e) (1) of this section (same as present Class V–A price).

(2) Not later than the 5th day of each month:

(i) The minimum class prices, pursuant to paragraph (a) of this section, for the preceding month.

(ii) The butter and cheese differential, pursuant to paragraph (b) (2) of this section.

(iii) The fluid skim differential, pursuant to paragraph (e) of this section.

(iv) The butterfat differentials, pursuant to paragraph (c) of this section, for the preceding month.

(v) The average, for the preceding month as reported by the United States Department of Agriculture, of all weekly market quotations (using the midpoint of any weekly range as one quotation) of prices for a 40-quart can of 40 percent sweet cream approved for Pennsylvania.

(vi) The weighted average price, for the preceding month as reported by the United States Department of Agriculture, per 40-quart can of 40 percent bottling quality cream in the Boston market.

(vii) The simple average of the averages computed pursuant to subdivisions (v) and (vi) of this subparagraph.

(viii) The average, for the preceding month as reported to the United States Department of Agriculture, of the prices paid to dairy farmers for 3.5 percent milk at the evaporated milk plants at places set forth in paragraph (a) (5) (ii) of this section.

(ix) The average of the highest prices reported daily during the preceding month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the Chicago market.

(x) The average of the highest prices reported daily during the preceding month by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(xi) The average of the weekly price quotations during the preceding month for Cheddars or Twins at the Wisconsin Cheese Exchange, as set forth in paragraph (b) (2) (ii) of this section.

(xii) The average for the preceding month of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price—Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

80. In § 927.6 (c), change the term "Class II–B" wherever it appears to "Class III".

81. Amend § 927.6 (c) by numbering the present paragraph as subparagraph (1), and by adding a new subparagraph (2) to read:

(2) The handler who made reports pursuant to subparagraph (1) of this paragraph shall report to the market administrator, not later than 30 days after the month during which frozen cream is

utilized, information with respect to the utilization of such cream.

82. Amend § 927.7 (a) (2) to read:

(2) Subject to adjustment for appropriate differentials pursuant to § 927.5 (c) and (d), multiply the Class I–C milk by 20 cents per hundredweight, multiply the remaining milk in each class by the class price, multiply the skim milk subject to the fluid skim differential by the fluid skim differential per hundredweight, and add together the resulting values;

83. In § 927.7 (a) (4) change the reference "§ 927.5 (c) (1)" to "§ 927.5 (d) (1)".

84. Add to § 927.7 a paragraph (c) to read:

(c) *Announcement of uniform price.* The market administrator shall announce not later than the 14th day of each month, the uniform price computed pursuant to paragraph (b) of this section and the butterfat differential pursuant to § 927.8 (c).

85. In § 927.8 (b) (1), change the reference "§ 927.5 (c) (1)" wherever it appears to "§ 927.5 (d) (1)".

86. Amend § 927.9 (g) to read:

(g) *Storage cream payments.* On the basis of reports of the utilization of frozen cream filed pursuant to § 927.6 (c) (2) and the market administrator's investigation and audit of such reports, the market administrator shall pay out of the producer settlement fund to the handler who filed such reports, or issue credit against balances due from such handler to the producer settlement fund an amount equal to the butter and cheese differential calculated for the month during which the milk, from which the butterfat in such frozen cream was derived, was separated, divided by 3.5, on each pound of butterfat in frozen cream which meets the following requirements:

(1) The butterfat was held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.4 (c) (5); and

(2) The butterfat was derived from milk separated during a month in which the butter and cheese differential was in effect and later assigned to butter in accordance with provisions of the rules and regulations issued by the market administrator pursuant to § 927.4 (b); or

(3) The butterfat was derived from milk separated during any of the months of April to July, inclusive, in which the butter and cheese differential was not in effect and assigned to butter during the months of January to March, inclusive.

87. Amend § 927.9 (h) (1) and (2) to read:

(h) *Payments for milk or milk products from other than producer sources.* (1) Payment shall be made by handlers to producers, through the producer-settlement fund, for milk, cultured or flavored milk drinks, cream, or skim milk, which milk and milk product meets each of the following provisions:

(i) It was derived from milk received at some plant from dairy farmers (other than the handler operating such plant) who are not producers;

(ii) It was received at a plant in, or delivered to a purchaser in the marketing area, or was received at a pool plant outside the marketing area and assigned either to shipments to the marketing area of milk, cultured or flavored milk drinks, cream, or skim milk, or to plant loss; and

(iii) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk was subject to the fluid skim differential.

(2) The amount of payment for the products set forth in subparagraph (1) of this paragraph shall be as follows:

(i) If the milk, or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products except skim milk shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth herein. The amount of payment on skim milk shall be any plus amount obtained by subtracting the value of the skim milk at the class price or prices under such other order from the value computed pursuant to § 927.5 (e) (1) (same as present Class V–A price).

(ii) If the milk or milk product is derived from milk the handling of which is not regulated by another order issued pursuant to the act, the amount of payment shall be as follows: for milk, or for cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the difference between the value of such milk, or cultured or flavored milk drinks at the Class I–A price in the 201–210 mile zone and the value computed pursuant to § 927.5 (b) (2) (i) (same as present Class IV–A price plus 91.25 percent of the present Class V–B price); for cream, or for cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the difference between the value of the milk equivalent of such cream or milk drinks at the Class II price in the 201–210 mile zone and at the value computed at the Class III price (milk equivalent in each case to be computed on the basis of milk containing 3.5 percent of butterfat); and for skim milk (either as skim milk or in cultured or flavored milk drinks), the amount computed pursuant to § 927.5 (e).

(iii) In the event that the source of such milk or milk product is not revealed, the amount of payment on such milk and milk product except skim milk shall be the full value at the class price in the 201–210 mile zone. The amount of the payment on such skim milk shall be the amount computed pursuant to § 927.5 (e) (1) (same as present Class V–A price).

88. Amend § 927.10 (a) by deleting therefrom the words "and which was properly classified in Classes I–A, I–B, I–C, II–A, and II–B,".

Copies of this notice of hearing, the said order, as amended, now in effect, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East Forty-second Street, New York, New York, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 3, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49–110; Filed, Jan. 6, 1949; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 2506]

ORGANIZATION AND PROCEDURE

PUBLIC LAND WITHDRAWALS

Section 50.152 (12 F. R. 6737) is revoked.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 30, 1948.

[F. R. Doc. 49–103; Filed, Jan. 6, 1949; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1709]

LOAN ANNOUNCEMENT

DECEMBER 14, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 7M, N Grant	$595,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49–111; Filed, Jan. 6, 1949; 8:48 a. m.]

[Administrative Order 1710]

LOAN ANNOUNCEMENT

DECEMBER 14, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 27M, N Bryan	$635,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-112; Filed, Jan. 6, 1949; 8:48 a. m.]

[Administrative Order 1711]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 24L Carroll	$155,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-113; Filed, Jan. 6, 1949; 8:48 a. m.]

[Administrative Order 1712]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 52P Fleming	$800,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-114; Filed, Jan. 6, 1949; 8:48 a. m.]

[Administrative Order 1713]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 26R, S Harmon	$240,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-115; Filed, Jan. 6, 1949; 8:48 a. m.]

[Administrative Order 1714]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 100T Washington	$1,742,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-116; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1715]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 13R East Baton Rouge	$240,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-117; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1716]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 26D LaMoure	$1,315,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-118; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1717]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 14K Pitt	$50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-119; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1718]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 15K Pointe Coupee	$240,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-120; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1719]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 66L Nobles	$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-121; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1720]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 70V Mitchell	$240,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-122; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1721]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 20K Delta	$10,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-123; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1722]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 122D Robertson	$500,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-124; Filed, Jan. 6, 1949; 8:49 a. m.]

[Administrative Order 1723]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 58P Butts	$370,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-125; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1724]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 58A Polk	$1,070,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-126; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1725]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 10T Washington	$380,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-127; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1726]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 29B Hand	$970,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-128; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1727]

LOAN ANNOUNCEMENT

DECEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 25G Lyon	$110,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-129; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1731]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 17L Burke	$1,135,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-130; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1732]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 46G Warren	$475,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-131; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1733]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 20K Concordia	$110,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-132; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1734]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 50M Grayson	$440,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-133; Filed, Jan. 6, 1949; 8:50 a. m.]

[Administrative Order 1735]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 94H North Itasca	$455,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-134; Filed, Jan. 6, 1949; 8:51 a. m.]

[Administrative Order 1736]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 45K, L Osage	$800,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-135; Filed, Jan. 6, 1949; 8:51 a. m.]

[Administrative Order 1737]

LOAN ANNOUNCEMENT

DECEMBER 23, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a

loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 45P Clarke-Lauderdale	$980,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-136; Filed, Jan. 6, 1949; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3346]

TRANSCONTINENTAL & WESTERN AIR, INC. V. SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the complaint of Transcontinental & Western Air, Inc., v. Seaboard & Western Airlines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 31, 1949, at 10:00 a. m. (eastern standard time), in Conference Room "A", Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner J. Earl Cox.

This proceeding is an investigation of certain practices engaged in by Seaboard & Western Airlines, Inc., in foreign air transportation which are alleged to be in violation of the provisions of the Civil Aeronautics Act of 1938, as amended, and the requirements established pursuant thereto. It was instituted on September 7, 1948, following a complaint filed by Transcontinental & Western Air and upon the Board's own initiative by order, Serial No. E-1950, to which reference may be had by interested parties for further details as to the matters involved in this proceeding.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

(1) Has Seaboard & Western Airlines, Inc., engaged in practices in violation of the Civil Aeronautics Act of 1938, as amended, and the requirements established pursuant thereto, particularly sections 401, 403, 404 (b), 407, and 411 of the act, and § 292.1 of the Board's economic regulations?

(2) If any violations of the act or of any requirement thereunder are established, should the Board revoke the letter of registration of Seaboard & Western Airlines, Inc., as an irregular air carrier or should the Board order Seaboard & Western Airlines, Inc., to cease and desist from such violations, or issue other or further order to compel compliance with the applicable provisions of the act and the regulations thereunder?

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding, shall file with the Board on or before January 31, 1949, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., January 3, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-138; Filed, Jan. 6, 1949; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1164]

SOUTHERN UNION GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 31, 1948.

Upon consideration of the application filed November 19, 1948, and supplemented December 6, 1948, by Southern Union Gas Company (Applicant) a Delaware corporation having its principal office at Dallas, Texas, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 4, 1948 (13 F. R. 7420).

The Commission, therefore, orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on January 17, 1949, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: January 3, 1949.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-102; Filed, Jan. 6, 1949; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-66]

STANDARD GAS AND ELECTRIC CO.

ORDER REGARDING APPLICATION AND RESERVING FURTHER JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of December 1948.

The Commission having instituted proceedings pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") by its notice and order for hearing dated March 24, 1943, to determine, among other things, what action is necessary and shall be required to be taken by Standard Gas and Electric Company, a registered holding company, to ensure that the corporate structure or continued existence of Standard Gas and Electric Company does not unduly or unnecessarily complicate the structure of the holding company system of which it is a part or unfairly or inequitably distribute the voting power among security holders of the Standard Gas and Electric Company holding company system; and

The Commission having entered its memorandum opinion and order, dated October 30, 1947, and its notice of and order reconvening hearing, dated March 1, 1948, requiring, among other things, that Standard Gas and Electric Company show cause why an order should not be entered pursuant to section 11 (b) (2) of the act, requiring Standard Gas and Electric Company to liquidate and dissolve or to recapitalize on the basis of a single class of stock, namely, common stock; and

Standard Gas and Electric Company having consented to the entry of such an order; and

A hearing having been held after appropriate notice and the record in this matter having been examined by the Commission, and the Commission having this day made and filed its findings and opinion herein:

It is ordered, Pursuant to section 11 (b) (2) of the act, that Standard Gas and Electric Company take appropriate steps, in an appropriate manner not in contravention of said act or the rules, regulations or orders of the Commission thereunder, to liquidate and dissolve or to recapitalize on the basis of a single class of stock, namely, common stock.

It is further ordered, That Standard Gas and Electric Company shall proceed with due diligence to comply with the foregoing order, and shall make application to the Commission for the entry of any further orders necessary or appropriate for this purpose; and jurisdiction is hereby reserved to entertain such further proceedings, to make such other findings, and to enter such other orders as may be appropriate in connection with any plan for the liquidation and dissolution of Standard Gas and Electric Company, or its recapitalization on the basis of a single class of stock, namely, common stock, and in connection with the various steps incidental thereto.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders after hearing on appropriate notice as may be necessary or appropriate for the purpose of ensuring that the liquidation and dissolution of Standard Gas and Electric Company or its recapitalization on the basis of a single class of stock, namely, common stock, is accomplished expeditiously and in a manner that is consistent with the provisions of the act.

It is further ordered, That jurisdiction be, and it hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, to enter such further orders, and to take such further action as it may deem appropriate under sections 11 (b), 11 (d), 15 (f) and 20 (a) of the act and in particular to determine all questions under section 11 (b) (2) relating to the appropriateness of the continued existence of Standard Gas and Electric Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-104; Filed, Jan. 6, 1949; 8:46 a. m.]

[File No. 31-555]

WISCONSIN ELECTRIC POWER CO.

ORDER AMENDING ORDER DATED DECEMBER 20, 1948

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of December A. D. 1948.

The Commission having by order entered December 20, 1948, denied the application of Wisconsin Electric Power Company on behalf of itself and its subsidiaries for exemption pursuant to sections 3 (a) (1) and 3 (a) (2) of the Public Utility Holding Company Act of 1935; and

Wisconsin Electric Power Company having waived, during the course of the proceedings herein, pursuant to the Commission's rules of practice, a 30-day waiting period between the issuance of the Commission's order herein and the date it becomes effective; and

Wisconsin Electric Power Company having represented to the Commission that the reason for its waiver of a 30-day waiting period no longer exists and having requested that the Commission enter an amendatory order suspending the effectiveness of the order of December 20, 1948, for 30 days; and

It appearing to the Commission that good cause has been shown and that it is appropriate to grant a withdrawal of the said waiver of a 30-day waiting period:

It is ordered, That the waiver by Wisconsin Electric Power Company of a 30-day waiting period between the issuance of the Commission's order herein and the date it is to become effective be, and it hereby is, permitted to be withdrawn.

It is further ordered, That the order issued herein on December 20, 1948, be; and the same hereby is, amended to provided that it shall not be effective until after the expiration of 30 days from the date of its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-105; Filed, Jan. 6, 1949; 8:46 a. m.]

[File No. 70-2026]

CINCINNATI GAS & ELECTRIC CO. AND UNION LIGHT, HEAT AND POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of December 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Cincinnati Gas & Electric Company ("Cincinnati"), a subsidiary of the United Corporation, a registered holding company, and by the Union Light, Heat and Power Company ("Union"), a subsidiary of Cincinnati. Applicants-declarants have designated sections 6 (b), 7, 9, 10 and 12 (c) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 13, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 13, 1949, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds. The proceeds from the sale of such bonds will be used to pay at the principal amount thereof the $2,295,700.00 principal amount of presently outstanding 6% First Mortgage Bonds due August 15, 1949 of Union now owned by Cincinnati. The balance of the proceeds will be used for necessary construction and extension of Union's property, plant and equipment.

Union further proposes to offer to holders of its common stock par value $100 per share, the right to purchase at par an aggregate of 20,000 additional shares pro rata at the rate of 4/94ths of a share for each 1/94th of a share held. The additional shares will be sold at the amount of $100 for each full share and in units of 1/94th of a share at a price of $1.07 a unit for fractional shares. Cincinnati which owns 98.42% of Union's common stock, will exercise its right to purchase its pro rata proportion of the additional common stock. Cincinnati owns $2,067,238.47 principal amount of 6% demand notes of Union. Cincinnati will pay for the additional common stock by the surrender for cancellation of a principal amount of demand notes of Union equal to the aggregate par value of the common stock being purchased. The balance of such demand notes will be paid by Union from its treasury funds. As a result of such transaction, Cincinnati will receive 19,683 38/94ths shares of the additional common stock of Union.

Cincinnati proposes to enter into a supplemental indenture to its First Mortgage with the Irving Trust Company to provide for the satisfaction of pre-emptive rights of minority stockholders under applicable law in connection with the sale of equity securities to Cincinnati by its subsidiaries.

The issue and sale by Union of the proposed bonds and additional common stock has been approved by the Public Service Commission of Kentucky by its Order dated December 28, 1948. The acquisition of additional common stock of Union by Cincinnati has been approved by the Public Utilities Commission of Ohio by its Order dated December 27, 1948.

Union has requested that a separate order be issued as expeditiously as possible with respect to the sale of the additional common stock so that said sale may be consummated prior to the sale of the proposed bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-108; Filed, Jan. 6, 1949; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Notice No. D-2 (E)]

DOMESTIC WHISKY DISTILLING INDUSTRY

APPLICATION DENIED AND DISMISSED

JANUARY 3, 1949.

Application of representatives of the domestic whisky distilling industry for investigation of whisky under the escape clause of the Geneva Trade Agreement has been denied and dismissed.

The Tariff Commission after careful consideration of all the available information, including the most recent data on imports and domestic production, has concluded that the increase in imports in 1948 when compared with the domestic production has not, under the conditions existing in this industry, been such as to warrant an investigation of whisky under the escape clause of the Geneva

agreement at the present time. The application, therefore, has been denied and dismissed.

The dismissal of the present application does not impair the right of the applicants to apply subsequently for an investigation on the basis of different circumstances.

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 49-109; Filed, Jan. 6, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12474]

ELSA GEIGER

In re: Estate of Elsa Geiger, also known as Elsa Veronica Geiger and Elsa Verina Scheu Geiger, deceased. File No. D-28-12490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "John" Scheu, "Joseph" Scheu, "Mary" Scheu, "Alice" Scheu, "Jane" Scheu and "James" Scheu, their first names being fictitious, true first names being unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Elsa Geiger, also known as Elsa Veronica Geiger and Elsa Verina Scheu Geiger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-143; Filed, Jan. 6, 1949; 8:52 a. m.]

[Vesting Order 12477]

ANTONIE JONES AND OAKLAND BANK

In re: Trust agreement dated December 14, 1925 between Antonie Jones, trustor and the Oakland Bank, trustee. File F-28-12963-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Leopold, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the widow and children, names unknown, of Otto Leopold, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated December 14, 1925 by and between Antonie Jones, trustor and the Oakland Bank, trustee, presently being administered by Bank of America National Trust and Savings Association, Trustee, 300 Montgomery Street, San Francisco, California, and/or its branch office located at 1200 Broadway, Oakland 4, California,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the widow and children, names unknown, of Otto Leopold are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-144; Filed, Jan. 6, 1949; 8:52 a. m.]

[Vesting Order 12480]

OTTO LEOPOLD AND BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSN.

In re: Trust agreement dated January 31, 1935, between Otto Leopold, trustor, and Bank of America National Trust and Savings Association, trustee. File No. F-28-12963-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Leopold, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Otto Leopold, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 31, 1935, by and between Otto Leopold, trustor and Bank of America National Trust and Savings Association, Trustee, presently being administered by Bank of America National Trust and Savings Association, Trustee, 300 Montgomery Street, San Francisco, California, and/or its branch office located at 1200 Broadway, Oakland 4, California,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Otto Leopold are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-145; Filed, Jan. 6, 1949; 8:52 a. m.]

[Vesting Order 12514]

JACOB DOEHLA ET AL.

In re: Jacob Doehla, et al. vs. Karl Doehla, et al. File No. D-28-11844; E. T. —sec. 16653.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Doehla, Margaretha Dietel, (Dietla) (Dietle), Karl Doehla, Jr., Christian Doehla and Max Doehla, whose last known address was, on October 7, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $22,289.32 was paid to the Attorney General of the United States by R. W. Hall, Referee, Neola, Iowa, in the action entitled "Jacob Doehla, et al. vs. Karl Doehla, et al.";

3. That the sum of $22,289.32 was accepted by the Attorney General of the United States on October 7, 1948, pursuant to the provisions of the Trading With the Enemy Act, as amended;

4. That the said sum of $22,289.32 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on October 7, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-146; Filed, Jan. 6, 1949; 8:52 a. m.]

[Vesting Order 12539]

OSKAR HEGEWALD

In re: Stock owned by and debt owing to Oskar Hegewald. F-28-21736-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Hegewald, whose last known address is c/o Mr. Fritz, Salmannsweilergasse 11, Konstanz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Fifty (50) shares of stock of the Chesapeake & Ohio Railway Company, Terminal Tower, Cleveland, Ohio, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered 0286918, registered in the name of Gunther & Company and presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in an account for Oskar Hegewald, together with any and all declared and unpaid dividends thereon,

(b) One share of $100 par value common capital stock of Pittston Company, 350 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered TCO-41326, registered in the name of Gunther & Company and presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in an account for Oskar Hegewald, together with all declared and unpaid dividends thereon, and

(c) That certain debt or other obligation owing to Oskar Hegewald by Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $197.58, as of December 31, 1945, held in a Cash Custodian Account for Oskar Hegewald, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Oskar Hegewald, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-147; Filed, Jan. 6, 1949; 8:52 a. m.]

[Vesting Order 12541]

BUNSHU INAMASA

In re: Stock owned by Bunshu Inamasa. F-39-3438-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bunshu Inamasa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifty-four (54) shares of capital stock of Bancamerica-Blair Corporation (now known as Blair Holdings Corporation) 44 Wall Street, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered SFF 43617, registered in the name of Bunshu Inamasa, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-148; Filed, Jan. 6, 1949; 8:53 a. m.]

[Vesting Order 12546]

E. J. MEYER

In re: Securities owned by and debt owing to E. J. Meyer. F-28-1465-A-1/A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. J. Meyer, the last known address of which is 54/55 Jaegerstrasse, Berlin, W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Seventy-five (75) shares of "Old" capital stock of Davidson Chemical Company, evidenced by a certificate numbered NYO 41860, registered in the name of J. S. Bache & Co., and presently in the custody of Bache & Company, 36 Wall Street, New York 5, New York, for the account of E. J. Meyer, together with all declared and unpaid dividends thereon.

b. Two (2) Purchase Warrants for twenty-five and one fifth (25⅕) shares of capital stock of the General Investment Corporation, said warrants numbered NY/CO 21778, for twenty (20) shares and NCW 8297 for five and one fifth (5⅕) shares and presently in the custody of Bache & Company, 36 Wall Street, New York 5, New York, for the account of E. J. Meyer, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to E. J. Meyer by Bache & Company, 36 Wall Street, New York 5, New York in the amount of $29.07, as of December 31, 1945, held in a current account entitled E. J. Meyer, 54/55 Jaegerstrasse, Berlin W. 8, Germany and numbered FGN 79 together with any and all accruals thereto and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control by E. J. Meyer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Three (3) Silesian-American Corporation Fifteen Year Collateral Trust Sinking Fund Gold Bonds, of $1,000 face value each, said bonds in bearer form numbered M1254/6 and presently in the custody of Bank of The Manhattan Company, 40 Wall Street, New York, New York, for the account of E. J. Meyer, together with any and all rights thereunder and thereto, subject to any lien against, or other security interest in, the aforesaid property held by the aforesaid Bank of The Manhattan Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control by E. J. Meyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-149; Filed; Jan. 6, 1949; 8:53 a. m.]

[Vesting Order 12571]

RICHARD FUCHS

In re: Stock and bond owned by Reinhard Fuchs also known as Richard Fuchs. F-28-3147-A-1, A-2, D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reinhard Fuchs, also known as Richard Fuchs, whose last known address is Wuppertal-Elberfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Forty-nine (49) shares of $1.00 par value capital stock of the 901 Madison Avenue Corporation, c/o The First National Bank of Odessa, Odessa, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 110, registered in the name of Hanns P. Kniepkamp, Attorney in fact for Reinhard Fuchs, and presently in the custody of The First National Bank of Odessa, Odessa, New York, in a blocked account for Reinhard Fuchs, together with all declared and unpaid dividends thereon, and

(b) One 901 Madison Avenue Corporation Twenty Year 4% Debenture Bond of $2,940 face value, bearing the number 113, registered in the name of Hanns P. Kniepkamp, Attorney in fact for Reinhard Fuchs, and presently in the custody of The First National Bank of Odessa, Odessa, New York, in a blocked account for Reinhard Fuchs, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Reinhard Fuchs, also known as Richard Fuchs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-150; Filed, Jan. 6, 1949; 8:53 a. m.]

[Return Order 234]

LEONE COLLEONI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention To Return Published, and Property

Leone Colleoni, Milan Italy, Claim No. 8013, November 19, 1948 (13 F. R. 6829); $16,653.45 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Leone Colleoni in and to the trust estate created under the last will and testament of Irene Ann Colleoni, deceased, Empire Trust Company, New York, N. Y., Trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-151; Filed, Jan. 6, 1949; 8:53 a. m.]

[Return Order 235]

MADDALENA S. CERNUSCHI AND GIOVANNI CERNUSCHI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention To Return Published, and Property

Maddalena S. Cernuschi and Giovanni Cernuschi, Bergamo, Italy, 17607; November 20, 1948 (13 F. R. 6876); $9,011.13 in the Treasury of the United States.

All that lot or parcel of land lying or being in Washington, D. C., described as follows:

Lot numbered six hundred and fifty (650), in John Mitchell's subdivision of part of "Mount Pleasant," as per plat recorded in the Office of the Surveyor for the District of Columbia, in Liber 38 at folio 126, improved by premises Nos. 3201, 3203 and 3205 Mount Pleasant Street, according to Survey by the Surveyor for the District of Columbia and recorded in Survey Book 41, page 249, in the Office of said Surveyor, the aforesaid premises now known as 3201½, 3203 and 3205 Mount Pleasant Street.

Together with right of way over three feet alley way adjoining said lot numbered Six hundred and fifty (650) on the Northwesterly side as provided by Agreement recorded in Liber 3270 at folio 135, and subject to a perpetual right of way over the rear 3.70 feet of said lot numbered six hundred and fifty (650) for alley purposes, in favor of the owners of lots numbered Six hundred and Forty-nine (649) and Six hundred and fifty (650) in said subdivision as shown on said Survey, together with the improvements, rights, and privileges, and appurtenances to the same belonging.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-152; Filed, Jan. 6, 1949; 8:53 a. m.]

[Return Order 236]

PETER KUNCIS

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention To Return Published, and Property

Peter Kuncis, Lafayette, Colorado, Claim No. A-281; November 24, 1948 (13 F. R. 6947); Property described in Vesting Order No. 16 (7 F. R. 4400, June 11, 1942) relating to United States Letters Patent No. 2,257,803. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-153; Filed, Jan. 6, 1949; 8:53 a. m.]

[Return Order 242]

MRS. LUCIE KLEIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention To Return Published, and Property

Mrs. Lucie Klein, Stuttgart, Germany, Claim No. 6470; November 24, 1948 (13 F. R. 6948); All right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee; $24,840.99 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-154; Filed, Jan. 6, 1949; 8:53 a. m.]

[Return Order 245]

WALTER HINRICHSEN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Walter Hinrichsen, Claim No. 1727, 354 West Windsor Avenue, Lombard, Ill.; Max Hinrichsen, 25 Museum Street, London W. C. 1, England; Robert Harris (Hinrichsen), The Haven Shrewsbury Road, Church Streeton, Shropshire, England; Charlotte Sobernheim (nee Hinrichsen). The Haven, Shrewsbury Road, Church Streeton, Shropshire, England; Ilse Frankenthal (nee Hinrichsen), 122 Hansberg, Brunssum (Limburg) Holland; May 21, 1948 (13 F. R. 2763), $8,823.17 in the Treasury of the United States. Property to the extent owned by C. F. Peters immediately prior to the vesting thereof, described in Vesting Order No. 2116 (9 F. R. 1466, February 4, 1944) relating to compositions listed in the catalogues "Selected Works, Orchestra Works, Choral Works" and "Selected Works 1939/40", (attached as Exhibit A of said vesting order) including all rental materials pertaining thereto now in the possession of Clayton F. Summy Company, Chicago, Illinois.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-155; Filed, Jan. 6, 1949; 8:54 a. m.]